



H.R. 4167 THREATENS PUBLIC HEALTH BY ELIMINATING CRITICAL STATE FOOD SAFETY & WARNING LABEL LAWS

We strongly urge you to oppose H.R. 4167, the so-called “National Uniformity for Food Act.” Contrary to the claims of proponents of this bill, H.R. 4167 is not a simple food-safety uniformity bill. This bill will preempt nearly 200 laws in all 50 states adopted specifically to protect consumers where the federal Food and Drug Administration (FDA) has failed to do so. State and local governments have carefully crafted these crucial public health safety standards and labeling requirements to fill the gaps left by the FDA. H.R. 4167 will preempt these vital laws with weaker standards that will put public health and consumer safety at risk.

“H.R. 4167 effectively eliminates our nation’s biosecurity shield, and will undermine our whole food safety and biosurveillance capability by undermining states’ authority to assure food safety.”

– State Association of Food and Drug Officials

H.R. 4167 Will Weaken Critical Food Safety and Public Health Requirements

- Preempts almost 200 state food safety laws and regulations in all 50 states.
- Effectively nullifies state regulations requiring that consumers be warned of toxic chemicals in foods that can cause cancer or birth defects, or that can trigger certain allergic reactions.
- Severely restricts the ability of states to enact new food safety laws and regulations.
- Removes the authority of state and local food safety officials from enforcing basic safety and labeling standards to address food borne disease and other dangers to our food supply by effectively nullifying state legislation enabling these actions.
- Exempts food manufacturers from complying with most state or local food safety protections that are more protective of consumers than FDA requirements—even in areas where the FDA has not acted.
- Creates a cumbersome and costly state waiver process that would impose substantial financial burdens on both the FDA and states seeking to avoid preemption of their food safety rules. The Congressional Budget Office estimated in 2004 that this legislation would require the FDA to spend \$100 million (over a five year period) reviewing state waiver requests. These scarce funds would be better spent protecting food safety.
- Thwarts state efforts to require labeling of genetically engineered foods and foods that contain ingredients that have undergone irradiation - even though consumers overwhelmingly support such requirements.
- Overturns much of California’s Proposition 65, which requires warnings when products or food will expose consumers to chemicals that cause cancer or birth defects. Other food safety laws in Mississippi, Arkansas, and many others states would also be nullified. Consumers have a right to know if their food contains toxins that cause illness, cancer, or birth defects, and States have a right to provide this information.

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